



Town of Vienna

Meeting Minutes

Town Council Meeting

Charles A. Robinson Jr.
Town Hall
127 Center Street South
Vienna VA, 22180

Monday, March 21, 2022

8:00 PM

Charles A. Robinson, Jr. Town Hall, 127
Center Street, South

Invocation: Pastor Emmanuel Nkrumah, Wesley Ghana UMC

Mayor Colbert called on Pastor Emmanuel Nkrumah, Wesley Ghana UMC, to provide the evening's invocation.

Pledge of Allegiance to the Flag of the United States of America

Present: 7 - Council Member Chuck Anderson, Council Member Ray Brill Jr., Council Member Nisha Patel, Council Member Steve Potter, Council Member Ed Somers, Council Member Howard J. Springsteen and Mayor Linda Colbert

1. Roll Call

Council Member Chuck Anderson; Council Member Ray Brill; Council Member Nisha Patel; Council Member Steve Potter; Council Member Ed Somers; Council Member Howard Springsteen and Mayor Linda Colbert.

2. Acceptance of the Minutes:

22-3013

Acceptance of the Regular Council Meeting Minutes of February 28, 2022 and March 7, 2022 and the Special Council Meeting on The Bond Sale February 22, 2022.

Minutes of the Town Council Conference Sessions of February 28, 2022 and March 7, 2022 and the Special Council Meeting on the Bond Sale February 22, 2022 were accepted.

22-3013 Acceptance of the Regular Council Meeting Minutes of February 28, 2022 and March 7, 2022 and the Special Council Meeting on The Bond Sale February 22, 2022.

Aye: 7 - Council Member Anderson, Council Member Brill, Council Member Patel, Council Member Potter, Council Member Somers, Council Member Springsteen and Mayor Colbert

3. Receipt of petitions and communications from the Public that are not on the Agenda. (Limited to 3 minutes per issue and no formal action can be taken this evening)

Howard Uman, 114 Wilmar Pl., NW. noted that he currently lives on property adjacent to outdoor dining. He previously reported noise violations on January 24, 2022, March 1, 2022 and March 19, 2022. The rules are clear, but unfortunately, it's residents that must continually defend against noise abusers. The Town spoke to this particular restaurant manager who indicated that the noise violation would not happen again, yet at 4:45 PM today, amplified music began to play. The Police and the Town were called; the incident was investigated. Neighbors of these restaurants continue to be inconvenienced by outdoor dining and restaurant maintenance noise at all hours of the day and night. Residents have invested in their yards and outdoor space and this continual noise infringes on enjoyment of that

space. Mr. Uman stated that he personally invested in a decibel meter with certificate. The noise today registered 65 decibels at the property line; 62 decibels at 100-foot distance (his residential porch), 43 decibels inside an outdoor office shed in his backyard. If windows to the office shed were opened the reading jumps to 63 decibels. He lives in a residential zone, not a transitional zone. As such, he and his neighbors deserve the protections afforded all residentially zoned spaces and should not be subjected indefinitely to the undesirable noises created by outdoor dining and its supporting operations. Mr. Uman emphasized that he supports outdoor dining, however he is strongly opposed to this type of dining in residentially adjacent locations.

Nesli Esen, 906 Frederick St., SW., indicated that she spoke before Council in December 2021 and shared a map of Vienna businesses she created. Since that time she has received numerous favorable responses and has now created a digital version. The map includes businesses with addresses and access to their websites. She noted that the map adds business visibility on the search engine and increases business branding through use of logos.

4. Reports/Presentations

A. Report and Inquiries of Council Members

Council Member Brill reported that Boris Romashenko, a concentration camp survivor, was killed in Kiev Ukraine today; he was 96 years old. As of now there are 10 Million displaced Ukrainians due to the war. This is an incredible tragedy. He asks people to pray for these displaced souls and pray that Russia stops this aggression so people might live in peace.

Council Member Patel asked Ms. Esen if there is a contact for those businesses who would like representation on the map. Ms. Esen indicated that, to date, she has only included restaurants and retail shops on the map, but is considering expanding to other business sectors.

Council Member Potter reported that a community engagement meeting was held March 15, 2022 regarding the development projects at 380 and 444 Maple Avenue. It was heavily attended and very productive. Emily Goodman was designated as the point of contact for the Town in order to eliminate confusion between residents and staff. A representative from the 380 Maple Avenue project expressed a commitment to exploring ways to alleviate parking issues. Hekmain representatives were not present because the project is still in the very early stages of demolition and cleanup. They plan to attend future meetings.

B. Report of the Town Manager

No report

C. Report of the Mayor

Mayor Colbert reported that Friday evening the Vienna Volunteer Fire Department held their awards ceremony at Westwood Country Club. She thanked Council Member Potter for his role in the ceremony and all Council Members who attended the event. She also noted the ribbon cutting in celebration of the newly renovated facility.

Mayor Colbert also urged everyone to register for the Mayors Fitness Challenge,

emphasizing the friendly competition between Vienna, Falls Church and Fairfax City.

The Volunteer reception will be held April 19, 2022, on the Town Green, weather permitting. Forms are due by April 1, 2022.

D. Proposals for Additional Items to the Agenda

E. Closed Session

It was moved that the members of the Vienna Town Council be polled to affirm that a Closed Session was held on March 21, 2022 in accordance with Virginia Code, Section 2.2-3711.A.(1) specifically for the interviewing of individuals for consideration of appointment and/or reappointment to Town Boards and Commissions.

It was further moved that the Certification Resolution be adopted in accordance with State Statutes, and that the Town Clerk is authorized to execute the Certification Resolution. And it was further moved that the Closed Session be continued to Monday March 28, 2022 at 6:00 PM in accordance with Virginia Code, Section 2.2-3711.A.(1), for discussion or consideration of personnel matters, specifically the annual evaluation of the Town Manager on Monday April 11, 2022 at 7:00 PM, in accordance with Virginia Code, Section 2.2-3711.A.(1) specifically the interviewing of individuals for consideration of appointment and/or reappointment to Town Boards and Commissions.

Motion, Council Member Somers; second, Council Member Springsteen. Motion carried unanimously.

It was moved to It was reappoint Steve Kenney to the Planning Commission for a two-year term. Said term to begin March 20, 2022 and expire on March 20, 2024.

It was further moved to retroactively reappoint David Miller to the Planning Commission for a two-year term. Said term shall begin February 3, 2022 and expire on February 3, 2024.

Motion, Council Member Somers; second, Council Member Springsteen. Motion carried unanimously.

E. Closed Session

Aye: 7 - Council Member Anderson, Council Member Brill, Council Member Patel, Council Member Potter, Council Member Somers, Council Member Springsteen and Mayor Colbert

5. Public Hearings

[22-2952](#)

Public Hearing for Leaf Mulch Program Alternatives

Mayor Colbert called the Public Hearing to order at 8:23 PM. Town Clerk, Melanie Clark called roll; all Council were present.

Mayor Colbert recognized Mike Gallagher, Director, Public Works, to present the Item for discussion. At the April 19, 2021 Conference Session, following a presentation by Eric Callocchia, Executive Consultant, NewGen, regarding alternatives to the current leaf mulching program, Council expressed the desire to hold a public hearing. Staff worked with residents over the past few months to

address various cost scenarios and options. Director Gallagher expressed appreciation to a Town resident who provided invaluable assistance. The following three options have been presented for the consideration of Council:

1. Continue with the current program
2. Short-haul Option - eliminates leaf mulch and continues to use Beulah Road site for short term leaf storage
Under this scenario collected leaves would be hauled to the Beulah Road site as currently practiced; however, there would be no leaf grinding and no delivery of leaf mulch. Once all collections are completed, the leaves would then be hauled from the Beulah Road site to the disposal facility (Loudoun Compost)
3. Long-haul Option - eliminates leaf mulch and eliminate the use of Beulah Road site.

Under this scenario collected leaves would be hauled directly to the disposal facility (Loudoun Compost) and eliminate the use of the Beulah Road site for leave operations and eliminate leaf mulch delivery.

Loudoun Compost is in Chantilly, VA (eleven miles from town) meaning a longer round trip for each collection truck than going to the Beulah Road site. To maintain the current collection rate up to an additional two trucks are needed during the heaviest peak collection weeks. We estimate that one additional truck would be needed for nine weeks, and two trucks for four weeks. These would be contracted (rented) which includes the driver requiring no additional staff.

Mayor Colbert noted that sixteen emails were received in favor of leaving the leaf operation as is (Option 1); eighteen emails were received in support of Long Haul (Option 3). She also noted that tonight's discussion should be considered separate from any discussion on future uses for the Beulah Road property.

Ray Collins, 405 Holloway Ct., NE. remarked that he and his wife, Betty Ann have lived at their home for over 50 years. He noted that his home backs onto the Beulah Road property. Roughly 20 years ago there began to be serious concerns among residents of Northeast Vienna about the Town's abuse of the property. He and his wife, along with Linda Belk and others led a campaign urging the Town to adopt a different policy for the property that the residents think of as Beulah Road Park. The Town responded positively; corrected the most flagrant abuses and created the current leaf operation. In recent years, however, residents have voiced increasing concern about lingering and new problems. They are encouraged by the fact that Council is now considering changing existing policy, which has outlived its usefulness. Options for the property on the docket have been described; he supports Option 3, Long Haul. He looks forward the time when the property will become Beulah Road Park in the fullest sense of the term.

Gerald Komandt, 404 Hine St., SE. began his remarks asking if the Town used its own mulch. Director Gallagher replied that a portion was used by the Department of Parks and Recreation for plant bedding. Mr. Komandt noted that he moved to his property, which borders Wolftrap Creek, in 1973. Since that time he has had at least four loads of mulch delivered per year and will miss this perk. He expressed concern that more thought has not gone into ways to clean up the operation rather than to simply dispense with it and to find better uses for the mulch. It's a waste of resources. He will miss the mulch but he will not fight any decision. Should the

Town decide not to haul the mulch to Loudon Compost he would gladly haul the mulch for his property himself.

Paul Kominsky, 405 Druid Hill Rd, NE. noted that he has lived at this residence for twenty years. Premulch delivery to only six percent of the households has created a fairness and equity issue in the way tax revenue is used. Premulch is not a universal benefit because there is just not enough mulch available. If the Town mulched all the leaves and the statistics on orders and loads remained constant, only 25% of the Town households would be served. Another way to look at it would be that by restricting delivery to one load per order, only 50% of households would be served. It simply cannot be a universal benefit. Fairfax and Arlington County are the only government entities in Northern Virginia that provide mulch delivery. Arlington has a charge of approximately \$15.00-\$20.00 per cubic yard which translates into an annual benefit to those households that use the mulch of \$125.00 per year with costs of mulching and delivery at approximately \$232.00 per year. This is not a fair or equitable situation because tax revenues are paid into by everyone. Remedies might include charging a fee much like Arlington County does, or give all other residences that do not use the mulch a credit on their tax bill. Mr. Kominsky also took exception to the results of the sound studies. His personal readings topped out at 97 decibels. The remainder of his comments will be submitted in writing.

Mary Ellen Larkins, 317 Church St., NE. remarked that at the February 28, 2022 Town Council meeting, Council expressed concern that the residents on Wade Hampton would be required to deal with the aggravation of changing the street name. Council agreed to compensate these residents. At the Town Council meeting of March 7, 2022 Council expressed concern for those residents living near 444 Maple Avenue and indicated that the Town may be required to hire an inspector to supervise the impact. Ms. Larkens stated that she hoped the Town would demonstrate equal concern for the residents living near the mulch grinding operation, which not only interferes with the enjoyment of their homes, but is also a detriment to public health, safety and welfare. The tub grinder was purchased in 1991 and located at the Northside Yard until approximately 1999 when citizens complained of the noise and pollution, at which time it was moved to Beulah Road Park. In 2003 the Town used the Park as a dumping ground that led to citizen complaint. The operation at Beulah Road Park was illegal under the Town's own zoning ordinances according to a letter written November 5 and authored by a resident attorney. The Town issued itself a CUP. Beulah Road Park was referenced as a "park" in three Comprehensive Plans (1980, 1988 and 1995) and in the Town Planning Commission on Open Space and Community Facilities of 1958. With 44 Townhomes at Vienna Market, 140 apartments at 444 Maple Avenue, 12 cottages at Old Courthouse and probably more, won't the Town need to provide more park and greenspace to residents? Beulah Road Park is a prime location that all residents should be able to enjoy. It is priceless, as no other area in the Town can offer this amount of greenspace. Option 3, Long Haul, is the way to go. The Town will save money by eliminating grinding and disposal and will free up Public Works employees for other Town work. The only fair thing to do is to get the leaf operation out of residential areas and free up the park so it can be enjoyed by all. Thank you to Ed Belke, who expended hundreds of hours working on this important issue and also to Bob McCormick, former Town Council Member.

Jennifer Cumiskey, 405 Druid Hill Rd., NE opened her remarks by reading an anonymous letter from a Town of Vienna resident, addressed to Friends of the Beulah Road mulch yard. "Calling yourself a park, does not make you a park. I can call myself a princess, but that does not make it a fact. When I moved to Vienna, I turned

down buying a house that backed up to the mulch yard because of the noise even though it was much less money. I bought a house in the Town limits because I wanted the amenities. So asking the entire Town of Vienna to give up what they have because you don't want to take the responsibility for the choices you made is wrong. I'm sure a man is behind this. So "woman up" and take responsibility for your own actions." Ms. Cumiskey stated that her initial reaction was that she was stricken by the divisiveness of the tone. Secondly, she was confused. What did this mean? When she purchased her home she also accepted the responsibility of accommodating a minority group of citizens need for free mulch. She recognized that she had the responsibility to contribute to the harmony and peace of the living environment and help the environment, NOT contribute to free mulch to someone just because they want it. Perhaps in the future when she decides to sell her home she will need to declare "Buyer beware!" probably not what her neighbors would like. Because of this letter Ms. Cumiskey urges Council to discontinue the mulch operation; it is pitting one group of citizens against another. She referenced the dictatorship government in China, which is the country from which she fled. It is her sincere hope this will not decay into something similar.

Mark Morgan, 441 Glyndon St., NE wanted to describe for Council what it is like to live close to the mulch yard. It smells terrible for several months out of the year and it sticks to the back of the throat. It isn't possible to work in the yard because of the powerful smell. It's impossible to sit out on the deck. If Public Works are called, they come by and spray a deodorant that works, sometimes, and sometimes not. The noise...it's not so much the volume (although that is terrible), it's the repetitive piercing backup beeping from the trucks. This goes on all day long. Sound engineers have come out to his backyard and indicated that the noise was not beyond the decibel limit, but it is still almost a form of torture. It's impossible to concentrate – it's always in one's head; it's extreme annoyance. The vibrations are there as well, although some have been reduced now that grinding is no longer done at the site. Leaf collection spews tons of particles into the air. The Town finally put tops on the trucks but that hasn't really helped, it just spews out of the sides. It's like an atomic cloud. Mr. Morgan described how he cleaned the dust off his car but four hours later it was again covered in flakes from the particulate matter floating in the air. There is a problem on both ends....leaf collection and disposal. It's been a problem for 21 years and he would like it to end. Choose Option 3; Long Haul.

Doug Francis, 413 Macarthur Avenue, NE. remarked that he is one of the few that hustles out to blow leaves to the curb when he hears the truck in the neighborhood. Most of his neighbors now have lawn service companies. It is his belief that Option 3, Long Haul, is the smart decision. Renting trucks for three months to haul to Loudon Compost is the right selection. At one time he used the Town mulch, but stopped because he inherited so many weeds from the mulch. A solution for reducing the overall operation would be to grandfather those who requested mulch in 2022 for a period of perhaps five years. Loudon Compost produces a product called Carbon Leaf Mulch that is heated to 140 degrees to kill dormant weeds. Perhaps residents could go fill a truck and feel good about reusing Vienna's leaves. The character of Beulah Road has changed a great deal in the last 20 years. The trees along the road have been cut to accommodate road work and a great number have died. It remains a beautiful little stretch of road and he believes it is important to maintain this as a park.

Bob McCahill, 429 Center St., N currently serves as president of the Northeast Vienna Citizens Association. Membership in the association stands at 117 families, a great number who live along the area most effected by the leaf operation; Broadleaf Dr.,

Sherwood Ct., Holloway Ct., and Druid Hill Rd. He thanked Mayor Colbert, Council Member Anderson, Town Manager Payton and Staff for meeting with representatives of the Association last summer to discuss the leaf collection program. At the time the Association realized a need to talk specifics of the program in a smaller setting. These meetings proved beneficial, enlightening and fruitful, and resulted in a workable, cost effective solution which is now before Council. One sticking point in the past has been the reluctance to spend an inordinate amount of money on capital equipment. The Long Haul plan precludes that because it involves renting trucks for only a short time frame. This is an opportunity for Public Works to follow a different path and put personnel to other Town duties, like filling potholes, cleaning winter weather streets or any of the other activities they have been drawn away from. A total 1500 man hours, for what....deliver mulch and haul the remainder to Loudon Compost. The Long Haul option is a move whose time has come. This has been characterized as a political issue, but it is actually much more. Certainly this change will require Council votes but at its essence is a quality of life issue. So the appeal is to Council's sense of fairness on behalf of the families who have endured the operation in their backyard for so long. It will also provide an opportunity for the residents not directly affected to step up and support those who are; to acknowledge that their dependence on free mulch (and it's not really free, but rather tens of thousands dollars) is at the expense of the rights of their neighbors to justifiably enjoy their lives. This is an ideal time to enact a change, to do the right thing and end the industrial use of the site.

Don Feltman, 321 Sherwood Dr., NE indicated that he and his wife began picking up mulch in 1985, and continued to do so for several years. They stopped because they grew tired of pulling the weeds that were introduced through the mulch into their yard. More superior mulch was available elsewhere. [The Town's use of either an owned or rented grinder has created a noise issue that has only gotten worse]; the repetitive banging and deafening booms and crashes, while the additional truck traffic has caused safety and pollution issues on Beulah Road. As a developer, he has never been in a jurisdiction where a project was approved if it was a detriment to the residents. Were this property owned by a resident who came before Council seeking approval for industrial use completely surrounded by single family homes, there would be no chance of receiving approval. If this current use is so bad that it could never receive approval, then why is the Town maintaining it to the detriment of the neighbors? The Long Haul option is the best; it frees up an additional 1500 man-hours for Public Works, it is cheaper, safer, and more environmentally sound.

Catherine Baker, 404 Holloway Ct., NE lives a stones throw from Beulah Road Park. She supports the Long Haul option and urged the discontinuation of Beulah Road Park as a mulch yard. When her family moved to this address in 2003 the neighbors were already dealing with noise issues that have continued over the years. Grinding of machinery, dump trucks and back up beepers are heard all day long. The noise has not abated despite the erection of a sound wall. Allowing industrial activity in the neighborhood needs to stop. Over the years more residents have switched from using Town mulch to paying a landscaping company to provide this service. Town taxes would be much better spent benefitting the majority of Town residents rather than the small percent who elect to use Town mulch. The number of mulch deliveries is at its lowest point in fifteen years. Beulah Road Park is zoned as a park, not a property yard. With decreased demand, a new more cost effective and efficient option is necessary. Respect the neighborhood and put Town tax dollars to better use; cease mulching at Beulah Road.

Mathew DiFiore, 207 Owaissa Ct., SE. indicated that the quality of the Town mulch

has declined over the past several years. On the other hand, the mulch program is one of the unique aspects of Vienna that make it the Town people think is great. That said, he wouldn't mind if the program were eliminated. He prefers Option 2. It removes the majority of the noise concerns of the residents with the exception of truck noises for pick up and drop off, although the noise of the grinder will be eliminated. Further, after reading the sound report it appeared that things weren't much worse than they were in 2018. The Town needs to look at the use of larger vehicles for hauling; 40 foot trucks would more than double the amount per load resulting in fewer trips. Option 2 provides flexibility for unforeseen circumstances such as broken down trucks. Fifteen hundred man-hours is less than one full time equivalent employee; that's not a lot. He recommends that both long and short haul be tested to see which is most effective. Then consider the fact that Loudon Compost could raise their price. What is the price tipping point for the Town?

Padmalla Persaud, 550 Windover Avenue, NW, is a business owner and current member of the Town Conservation and Sustainability Commission. Christina Caplin, Chair, Conservation and Sustainability Commission delivered the initial findings on the mulch yard but there was one environmental finding that she wished to report on for the record. Collection of leaves is not actually necessary. Much environmental damage could be avoided simply by leaving the leaves where they fall, as much as that is possible, and allowing them to decompose there. It is better for the ecosystem overall and there is the added benefit of a cost savings for cleanup. Gas blowers do a great deal of damage to the environment because of the carbon gas.

Chris Hogan, 226 Glen Ave., SW, stated that there is no such thing as free mulch. The Town spends \$125 per load to produce this mulch. As a responsible government organization it is impossible to be in the business of producing a commodity for \$125 and giving it away. The only responsible thing to do is to price it at an average cost. Option 1 would be priced at \$125 per load, so it would not be viable. Option 2 and 3 appear to be similar on paper except for the little matter of the truck. Under Option 2 the Town continues to incur that cost, while under Option 3 it is eliminated. It is obvious, Option 3 is the right choice. An October 2019 Vienna Voice article cites the Town Sustainability Commission as stating that picking up leaves is not the solution. Scientific literature has changed and now supports leaving the leaves to decay. Hot composting as an option sterilizes the leaves and kills the existing bugs; unfortunately, it also eliminates the next generation of butterflies. Doing this year after year will result in a severe negative environmental impact. The Town must think beyond Option 3; opt out of leaf mulching altogether.

Linda Belk, 401 Holloway Ct., NE wished to state for the record that Beulah Road Park is a park, as recognized in the Town Comprehensive Plans of 1979, 1988, 1995, and 2000. The Town was directed to develop a Master Plan for Beulah Road Park; four decades passed yet it was not done. The question must be asked, why didn't the Town follow their own directive, why didn't the Town act responsibly and rezone this residentially zoned parcel when Parks and Recreation zoning code first came into existence in 1991. Ms. Belk indicated that part of the reason they moved to Vienna in 1969 was the close proximity to the Park. They have been able to enjoy the natural woodland for more than 30 years. The Park was not used until the Town moved the Public Works property yard from Nutley Street to Northside in 1988. Documents show that residents objected to the noise, so the Town solution was to get approval for their multimillion dollar project at Northside Park and move the mulching operation to Beulah Road Park. That was all around 1991. The Town's own 1970 newsletter advertised stored leaves available for pickup as the leaves would be rotted by Spring and available for mulch. A 1991 Vienna Times article

documented the systemic bulldozing of tress and use of the site as a dumping ground. This practice by the Town continued with expanded dumping including asphalt, milling, piles of dirt and debris, broken concrete, etc. The residents didn't have a choice when the Town began destroying the Park. These illegal activities continued unchecked until residents stood up and objected. This Town failed to mitigate the continual noise violations, unbearable stench, particulate matter, and hazards produced by an industrial site operation in a residential neighborhood. The Friends of Beulah Road Park was formed to save the space for the next generation of children and grandchildren. This group presented the Town with a proposal to form a joint task force to address the issue, but the Town would not work with them. Complaints were lodged with each subsequent Mayor, Town Manager and Public Works Director, all to no avail. The leaf mulching program has continued to be a major source of complaint. Misuse and damage to an area donated and designated as a park are all significant byproducts of the mulch program. Signatures were collected from residents; 80 by mail; 97 on-line and 41 in person, all during COVID, all supporting the removal of the leaf mulching operation from Beulah Road Park in favor of the Long Haul solution.

John Heffern, 412 Blair Rd., NW has lived in Vienna since 1994. He is present to support Option 1. It is wonderful that Vienna still has so many beautiful trees. It is important to retain as much greenspace as possible. The Town provided mulch has been a help to achieve this. The Town soil contains a great deal of clay and the mulch has helped to break this down. He agrees that there have been legitimate concerns expressed but hopes there is a way to mitigate some of the most egregious.

Philip Walsh, 1104 Glyndon St. SE. stated that, while he does not live near the Park, he is sympathetic to those who do. He is in attendance to support Option 1. The Town of Vienna has a number pf special trappings that give it its uniqueness, the W&OD Trail, the Caboose, the library in the center of Town. Entering the Town from Cedar Lane to Redwood and turning on Redwood, one approaches the area of Oakdale where his home is located. He enjoys many gigantic oak trees that are older than he is. Of course, they shed their leaves. It is such a benefit to have leaf pickup, and also use of the mulch. It beautifies the gardens, enhances the trees and adds to the overall beauty of Town properties. The Town should consider some type of surcharge per cubic yard of mulch, but continue the operation.

With no further speakers, Mayor Colbert called for a motion to close the Public Hearing.

A motion was made to close the public hearing.

Motion, Council Member Patel; second Council Member Springsteen. Council Member Anderson requested an amendment to extend the Public Hearing one week for receipt of written comment. Council Member Patel did not accept the amendment stating that this issue has been debated for a very long time and a decision should not be delayed.

Motion carried in a five-two vote.

Mayor Colbert opened the floor to comment from Council. The following includes a summary of comments.

- *Caution against referring to this area as a park- other options are on the table; no decisions have been made;*
- *Consider reducing pick up to November and December only;*

- Cannot quantify either citizen or environmental cost to this process;
- Seek comprehensive solution; Encourage composting; levy surcharge; establish date for discontinuation.

Questions directed to Public Works

- How much should the Town charge for mulch?
- Provide calculations of rental trucks, driver costs; labor costs; any additional long haul costs;
- How many days is the Town mulching now?
- Request fuel costs adjusted for price per gallon escalations;
- Provide information on opportunity to piggyback other jurisdiction operations;
- Provide information on emissions.

Council was directed to submit any additional questions by April 4, 2022. The item will be added to the Conference Session agenda of April 18, 2022. Council agreed that a decision must be made prior to vote on the 2022-23 budget, May 16, 2022. The item will be brought to a vote on either April 25, 2022 or May 2, 2022.

6. Consent Agenda

*A motion was made to remove item 22-2937 from the Consent Agenda.
Motion, Council Member Patel; second, Council Member Springsteen.
Motion carried unanimously.*

*A motion was made to approve consent agenda items, 22-2977; 22-2979; 22-2980; 22-2949; 22-2978; 22-2961 and 22-2948.
Motion, Council Member Patel; second, Council Member Springsteen.
Motion carried unanimously.*

6. Consent Agenda

Aye: 7 - Council Member Anderson, Council Member Brill, Council Member Patel, Council Member Potter, Council Member Somers, Council Member Springsteen and Mayor Colbert

- [22-2977](#) Request to Set a Public Hearing for April 11, 2022 regarding the FY 2022-23 Operating Budget
- [22-2979](#) Request to set a public hearing for April 11, 2022 regarding FY 2022-23 water and sewer rates
- [22-2980](#) Request to set a public hearing for April 25, 2022 regarding the FY 2022-23 real estate tax rate
- [22-2949](#) Request to upgrade Town's existing Voice Over Internet Protocol (VOIP) Phone system and install Informacast interoffice paging and alert system.
- [22-2978](#) Request approval of MOU between Town of Vienna and Rotary Club of Vienna for 2022 Viva! Vienna! Festival and Backstage Brewfest
- [22-2961](#) Request approval for spending \$261,448.48 with Arthur Construction Co., Inc. for construction of Robinson Trust Sidewalk Projects.
- [22-2948](#) Intent to Adopt Temporary Medical Testing Zoning Text Amendment

7. Regular Business

[22-2936](#)

Consideration of Request for Site Plan Modifications for Louise Archer Elementary School, Located At 324 Nutley St., NW, Related to School Renovation and Expansion

Mayor Colbert recognized Mike D'Orazio, Acting Director, Planning and Zoning to present the Item for discussion.

Comments included the following:

- *Concern with lack of tree canopy; will add wherever possible but deferred to request for ball field;*
 - *Consider planting trees (10%) held back from this site, on the Madison High School property;*
 - *All plantings are guaranteed by contractor; flower boxes maintained by PTA.*
- With no additional comments, Mayor Colbert called for a motion.*

A motion was made as follows: After finding that the integrity of Chapter 18 of the Town Code and the health, safety and morals of the Town will not be impaired, it was moved to approve the requested site plan modifications of requirements related to the renovation and expansion of Louise Archer Elementary School, located at 324 Nutley St., NW.

Motion, Council Member Patel; second, Council Member Springsteen. Motion carried unanimously.

A motion was made by Council Member Patel, seconded by Council Member Springsteen, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Anderson, Council Member Brill, Council Member Patel, Council Member Potter, Council Member Somers, Council Member Springsteen and Mayor Colbert

Consideration of request for site plan modifications for White Oak Tower, located at 301 Maple Avenue W, related to medical office use limitation related to parking.

Mayor Colbert recognized Kelly O'Brien, Deputy Director, Planning and Zoning to present the Item for consideration.

Comments from Council included the following:

- *Parking continues to be a challenge with the current construction in this area of Town; would like to see post COVID parking study;*
- *Already under parked at 1-200 ratio;*
- *Underground parking at site is owned by tenants and owner;*
- *Secondary parking observation is not adequate to make decision.*

A motion was made as follows: Finding that the request for site plan modifications do not impair the integrity of this chapter nor the health, safety, and morals of the Town, it was moved to approve the request for site plan modification of requirement related to removing the limitation on medical office use for White Oak Tower, located at 301 Maple Ave., W.

Motion, Council Member Patel; second, Council Member Somers.

Voting Nay: Anderson, Brill, Potter, Springsteen

Motion failed in a three-four vote.

Additional discussion included the following:

- *Request for professional parking study;*
- *Request for study to include parking observations from floor levels and quadrants over a week of consecutive days;*
- *Request for photographic parking information to include five observations per day (9:00 AM; 11:00 AM; 1:00 PM; 3:00 PM; and 5:00 PM) for seven consecutive days.*
- *Applicant replied that he will gather data in accordance with what the owners wishes.*

A motion was made that the Action Item be Failed. The motion failed by the following vote:

Aye: 3 - Council Member Patel, Council Member Somers and Mayor Colbert

Nay: 4 - Council Member Anderson, Council Member Brill, Council Member Potter and Council Member Springsteen

[22-2947](#)

Intent to Adopt Text Amendment to 18-168, Related to Porch Projections into the Front Yard

Mayor Colbert called on Mike D'Orazio, Acting Director, Planning and Zoning Commission, to present the item for discussion.

A motion was made to adopt the text amendment to Sections 18-168 of Chapter 18 of the Town Code related to porch projections into the front yard as amended by adding solid wall language and further direct the Town Clerk to advertise a Notice of Adoption with an effective date of 10 days after publication.

*Motion, Council Member Potter; second, Council Member Somers.
Motion passed in a four-three vote.*

A motion was made by Council Member Potter, seconded by Council Member Somers, that the Action Item be approved. The motion carried by the following vote:

Aye: 4 - Council Member Patel, Council Member Potter, Council Member Somers and Mayor Colbert

Nay: 3 - Council Member Anderson, Council Member Brill and Council Member Springsteen

[22-2950](#)

Request approval to award IFB 22-07 construction contract to Richardson Wayland Electric Company for the Maple Avenue and Park Street Signal Reconstruction

Mayor Colbert recognized Mike Gallagher, Director, Public Works, to present the Item for consideration.

A motion was made to award the construction contract for the Maple Avenue and Park Street Signal Reconstruction project to Richardson Wayland Electric Company in an amount not to exceed \$550,258.25 (bid + 10% contingency)

Motion, Council Member Patel; second, Council Member Somers. Motion passed unanimously.

A motion was made by Council Member Patel, seconded by Council Member Potter, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Anderson, Council Member Brill, Council Member Patel, Council Member Potter, Council Member Somers, Council Member Springsteen and Mayor Colbert

[22-2937](#)

ARPA Funded Marketing Support for Economic Development Division

A motion was made by Council Member Somers, seconded by Council Member Springsteen, that the Action Item be approved. The motion carried by the following vote:

Aye: 6 - Council Member Anderson, Council Member Patel, Council Member Potter, Council Member Somers, Council Member Springsteen and Mayor Colbert

Nay: 1 - Council Member Brill

8. Meeting Adjournment

Mayor Colbert adjourned the meeting at 12:05 AM.

THE TOWN OF VIENNA IS COMMITTED TO FULL COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT STANDARDS. TRANSLATION SERVICES, ASSISTANCE OR ACCOMMODATION REQUESTS FROM PERSONS WITH DISABILITIES ARE TO BE REQUESTED NOT LESS THAN 3 WORKING DAYS BEFORE THE DAY OF THE EVENT. PLEASE CALL (703) 255-6304, OR 711 VIRGINIA RELAY SERVICE FOR THE HEARING IMPAIRED.